

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

NICHOLAS DARDENO,)
)
 PLAINTIFF)
)
v.)
)
YORK COUNTY JAIL,)
)
 DEFENDANT)

CIVIL No. 07-78-P-H

**ORDER AFFIRMING RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE AND ORDER ON PLAINTIFF'S MOTION TO REMAND**

I interpret the plaintiff's response to the Magistrate Judge's recommended decision as meaning that he believes he has a First Amendment claim over access to library materials, but that he chooses not to present it in this case. Instead, he means only to assert his state law claims concerning the Jail's library policies. On that basis, and after *de novo* review, I accept the Magistrate Judge's Recommended Decision, **DENYING** summary judgment to the plaintiff and **GRANTING** the defendants summary judgment on any federal claim of denied access to the courts. I also **GRANT** the plaintiff's motion to remand the state claims to York County Superior Court. I leave to that Court any issues concerning what defendants have been named or served.

SO ORDERED.

DATED THIS 8TH DAY OF NOVEMBER, 2007

/s/D. BROCK HORNBY

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CIVIL DOCKET FOR CASE #: 2:07cv78 (DBH)**

Nicholas Dardeno,

Plaintiff

Represented By **Nicholas Dardeno**
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Burlington, MA 01803
Pro Se

v.

York County Jail

and

York County Sheriff

Represented By **John J. Wall, III**
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and

York County Employees,

Defendants